

Amendment No. 1 to HB2651**Fowlkes
Signature of Sponsor****AMEND Senate Bill No. 2884****House Bill No. 2651***

by adding the following language before the enacting clause:

WHEREAS, the people of Tennessee are dedicated to the fair and equitable treatment of all persons regardless of race, ethnicity, national origin, or religion; and

WHEREAS, the term "racial profiling" has come to mean the practice of using race, ethnicity, national origin, or religion as the primary factor in deciding who is subject to law enforcement investigations; and

WHEREAS, racial profiling is unconstitutional and not an effective use of law enforcement resources; and

WHEREAS, there has been in recent years a growing national awareness of instances of racial profiling, and

WHEREAS, some individuals have from time to time alleged instances of some Tennessee law enforcement officers practicing racial profiling; and

WHEREAS, throughout the year 2001 in Tennessee thirty-seven (37) municipal police departments, six (6) county sheriffs' departments, and one (1) university police department voluntarily participated in a racial profiling study, and the results of that study were compiled by the comptroller of the treasury and reported to the Tennessee General Assembly in March, 2002; and

WHEREAS, many state officials and many law enforcement leaders recognized that this study brought attention to the problem, helped to identify areas where additional education and training are needed in regard to racial profiling, and generally contributed to a better understanding of the concerns of racial profiling among law enforcement officers, public officials and the public in general; and

WHEREAS, the commissioner of safety has voluntarily agreed to conduct a similar study involving officers of the Tennessee highway patrol; and

WHEREAS, this general assembly seeks to continue the progress made in the past regarding the elimination of racial profiling; now, therefore,
AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. It is the intent of the general assembly that the provisions of this act shall serve as a permissive pilot project and as such shall apply to the Tennessee highway patrol.

SECTION 2.

(a) Commencing on January 1, 2005, and continuing all through the calendar year, the highway patrol, using the form developed and promulgated pursuant to subsection (d) of this section, shall record and retain the following information:

(1) The number of persons stopped for traffic violations;

(2) Characteristics of race, color, ethnicity, gender and age of such persons, provided the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped;

(3) The nature of the alleged traffic violation that resulting in the stop;

(4) Whether a warrant or citation as issued, an arrest made or a search conducted as a result of the stop; and

(5) If a search was conducted, the type of search and the legal basis for that search, and whether contraband was discovered and property was seized.

(b) The highway patrol shall begin submitting such data and information to the comptroller of the treasury on a monthly basis, beginning not later than February 1, 2005, by submitting or electronically transferring a copy of the form prescribed by the comptroller.

(c) Any law enforcement officer who in good faith records traffic stop information pursuant to the requirements of this section shall not be held civilly liable for the act of recording such information.

(d) The comptroller shall, within the limits of existing resources, provide for a review of the prevalence and disposition of traffic stops reported pursuant to this section and develop and promulgate a form, in both printed and electronic format, to be used by law enforcement officers to which this act applies when making a traffic stop to record personal identifying information about the operator of the motor vehicle that is stopped, the location of the stop, the reason for the stop and other information that is required to be recorded pursuant to subsection (a) of this section. Not later than April 1, 2006, the comptroller shall report to the governor and general assembly the results of such review, including any recommendations.

(e) The provisions of this act shall be in effect from the effective date of this act until July 1, 2006.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.